

4.3 DOL Strategic Goal 3—Quality Workplaces

DOL STRATEGIC GOAL 3		
QUALITY WORKPLACES		
<i>Foster quality workplaces that are safe, healthy, and fair</i>		
OUTCOME GOALS:		
3.1 Reduce workplace injuries, illnesses, and fatalities		
3.2 Foster equal opportunity workplaces		
Total Funds for This Goal (in Billions):		
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Fiscal Years	Budget Authority	Outlays
FY 2004	\$ 0.9	\$ 0.9
FY 2003	\$ 0.9	\$ 0.9
FY 2002	\$ 0.9	\$ 0.9
FY 2001	\$ 0.9	\$ 0.8
FY 2000	\$ 0.8	\$ 0.7
FY 1999	\$ 0.7	\$ 0.7

This strategic goal is aimed at guaranteeing every working American a safe and healthful workplace with equal opportunity for all. Department of Labor programs and agencies with the primary operational responsibility for achieving this strategic goal include the Employment Standards Administration's Office of Federal Contract Compliance Programs, the Occupational Safety and Health Administration, the Mine Safety and Health Administration, the Veterans' Employment and Training Service, the Office of the Assistant Secretary for Administration and Management. In addition, the Office of the Solicitor, the Women's Bureau, the Office on Disability Employment Policy, and the Office of Inspector General provide indirect support to this strategic goal.

OSHA and MSHA have been reviewing their strategic and performance goals, measures, and strategies to reflect the focus and priorities of the Administration. In FY 2004, OSHA and MSHA will expand and refine their compliance assistance and outreach efforts, focusing on the prevention of workplace injuries and illnesses and directing training programs to the needs of a 21st Century workforce. The budget request and the annual performance plan's means and strategies present the evolution of the Department's compliance assistance and outreach initiatives, and include building on successes with expert systems, electronic compliance assistance tools and technology-enabled training, focus on root causes of persistent safety problems, and on emerging needs identified by compliance assistance specialists and other front-line staff, in order to provide more direct assistance to the public.

The ESA performance goals for FY 2004 support the Department's commitment to the protection of the American workforce in the 21st Century, and ESA's efforts strongly reflect the Department's current areas of emphasis. The Office of Federal Contract Compliance Programs' goal to improve the equal employment opportunity performance of Federal contractors reflects the commitment of the Department to enforce the laws that protect all American workers and give hope to those individuals who have been

denied the right to a productive, meaningful work life because of their race, gender, nationality, veterans status, or disability.

VETS' performance goals also target equal opportunity and protection of veterans' job rights, focusing on the Uniformed Services Employment and Reemployment Rights Act (USERRA) to reduce civilian employment problems identified by service members, which are related to the demands of military service. Through an active, aggressive information and outreach effort, the Department provides returning service members, Reserve and National Guard members, and employers information and technical assistance to assure their rights and responsibilities are known and protected. This will include assisting returning service members file and resolve complaints of discrimination and assist employers in knowing their obligations and responsibilities.

The recipients of Federal financial assistance, such as job training and placement services providers under the Workforce Investment Act (WIA), are required to refrain from discriminating in providing services or benefits. DOL's Office of the Assistant Secretary for Administration and Management assures compliance with the civil rights laws that apply to recipients of DOL financial assistance. Efforts begun in FY 2003 to assure that states receiving financial assistance under the WIA provide benefits and services in a non-discriminatory manner to persons with disabilities will continue and be expanded.

The FY 2004 outcome and performance goals for this strategic goal follow. Detailed information on every performance goal, including indicator, data source, baseline and explanatory comments, can be found in Appendix A.

Outcome Goal 3.1—Reduce Workplace Injuries, Illnesses, and Fatalities		
FY 2004 Performance Goals		
Total Funds for This Outcome Goal (in Millions)		
Fiscal Years	Budget Authority	Outlays
FY 2004	\$ 780	\$ 773
FY 2003	\$ 753	\$ 752
FY 2002	\$ 758	\$ 745
FY 2001	\$ 758	\$ 723
FY 2000	\$ 653	\$ 626
FY 1999	\$ 608	\$ 595
<p>A. Reduce the mine industry fatal injury incidence rate by 15% per year, and reduce the mine industry all-injury incidence rate 50% below the FY 2000 baseline by the end of FY 2005. In FY 2004 this equates to a 19% reduction in the all-injury incidence rate.</p> <p style="text-align: right;">\$174,645,000</p> <p>B. Reduce the percentage of respirable coal dust samples exceeding the applicable standards by 5 percent for designated occupations, and reduce the percentage of silica dust samples in metal and nonmetal mines exceeding the applicable standards by 5 percent for high-risk occupations. Reduce the percentage of noise exposures above the citation level in all mines by 5 percent.</p> <p style="text-align: right;">\$98,247,000</p> <p>C. Reduce occupational fatalities by 5 percent.</p> <p>D. Reduce occupational injuries and illnesses by 8 percent.</p> <p style="text-align: right;">Goals 3.1C and D combined: \$455,966,000</p>		

Means and Strategies

Operating Agencies: OSHA, MSHA

Sustained Efforts in FY 2004:

- DOL will expand existing outreach efforts in the mining community shifting the emphasis of regulatory programs from after-the-fact enforcement to compliance assistance and prevention, focusing attention on root causes of persistent safety problems and helping mine workers and operators address these problems by working proactively and sharing best practices information. DOL will also provide technical assistance to include analysis of accidents and proposed preventive strategies where specific equipment is involved, seeking both high and low technology solutions, and work with equipment manufacturers, mine operators and miners to address safety hazard controls. DOL will strengthen its efforts in working cooperatively with the mining industry, labor and the States to improve training programs aimed at preventing accidents and injuries. DOL will direct informational outreach programs to occupations with a high incidence of exposures to airborne contaminants and physical agents, with particular attention to dust, noise and diesel particulates. The

Department will focus attention on areas where sampling indicates excessive dust and noise levels and will work with operators who are having high exposure problems. (3.1A–B)

- Through its E-government initiative, the Department will enhance the collection of mine injury and illness information, and operator filing of employment and production information, the approval process for all mine operator plans, and equipment certification through on-line filings. (3.1A–B)
- The Department will provide mine operators with mine summary data in a user-friendly format to allow them to compare their operations against national norms for similar mines and will develop quarterly mine profiles for the inspectors' use at pre-inspection and post-inspection conferences. (3.1A–B)
- DOL will target workplace exposures, injuries, illnesses, and fatalities in line with its Strategic Plan. The Department will use the worksite-targeting program to notify over 13,000 employers with high injury and illness rates and provide an opportunity for compliance assistance through its State Consultation Program. OSHA will also establish local partnership agreements. (3.1C–D)
- DOL will use a variety of compliance assistance, outreach, and cooperative approaches to prevent injuries and illnesses and to reach small businesses and targeted audiences. Approaches include the Voluntary Protection Programs, strategic partnerships, alliances, electronic software systems, web-based training, training grants, local and national emphasis programs, and field compliance assistance. These efforts will be linked to the performance goals. State Consultation providers will be encouraged to target high-priority areas while serving the unique needs of employers—particularly small employers in their States. (3.1C–D)
- DOL will work with its State plan partners to support the accomplishment of individual State strategic and annual performance plans, which align with the Department's approach. The State strategic and annual performance plans will all target reductions in exposures and injuries, illnesses, and fatalities, tailored to each State's individual priorities. (3.1C–D)
- DOL will review its existing workplace safety regulations to identify requirements that are outdated or unnecessarily burdensome, or insufficiently protective; and in developing new regulations, conduct more rigorous cost-benefit comparisons and consideration of alternatives. (3.1 C–D)

Significant New or Enhanced Efforts in FY 2004:

- The Department will provide training for small mine operators directed specifically to their needs, and offer training to employees in remote locations. The Department will also train its health, safety and compliance specialists and technical staff to improve their ability to help employers and miners improve safety and health. (3.1A–B)
- The Department will share “best practices” methods to address the needs of those mining operations with the poorest performance and conduct focused inspections and compliance assistance to target areas with the greatest need or potential for improvement. (3.1A–B)
- DOL will implement an enhanced occupational safety and health compliance assistance and outreach effort. This includes a restructuring and consolidating these activities into a Directorate of Cooperative and State Programs. Central to the effort is increased emphasis on providing occupational safety and health compliance assistance and tools needed by employers and workers to comply with safety and health regulations. The initiative also supports:

- ♦ Expanding outreach and assistance programs to non-English speaking workers, hard to reach workers, contingent workers, and younger workers;
 - ♦ Expanding the number of Voluntary Protection Programs, Strategic Partnerships, and alliances;
 - ♦ Increasing compliance assistance to small businesses;
 - ♦ Updating training curricula; and
 - ♦ Ensuring the coordination of OSHA's expanding compliance assistance and outreach efforts. (3.1C-D)
- DOL will assess the extent to which employers are currently using automated external defibrillators and their effectiveness in the workplace, and identify further actions the government could take to encourage their use. (3.1 C)
- DOL will evaluate its occupational safety and health programs and program strategies (such as approaches to responding to reports of unsafe working conditions, providing compliance assistance, and developing and updating occupational safety and health regulations). (3.1 C-D)
- DOL will evaluate data for use in health inspection targeting. Currently, DOL has no health inspection targeting system that provides information on the patterns of use and exposure to occupational disease agents. Better illness data will enable DOL to target inspections on the most significant causes of illnesses, including respiratory disease agents. (3.1D)
- In coordination with the Office of Homeland Security and Department of Homeland Security, DOL will provide emergency preparedness guidance to employers and improve its procedures for responding to incidents at work sites such as chemical plants, fertilizer plants, and manufacturing complexes. (3.1 C-D)

Cross-Cutting Programs and Issues

OSHA, MSHA, BLS, ESA, and ETA work together to accomplish performance goals for reducing workplace injuries, illnesses, and fatalities.

Collaborative efforts to ensure consistency in regulatory actions that affect workers in both OSHA and MSHA jurisdictions are ongoing. MSHA and OSHA work closely with the National Institute for Occupational Safety and Health (NIOSH), which is responsible for conducting research on occupational safety and health issues. MSHA and OSHA will continue to coordinate their research requests and to participate in the establishment of NIOSH's National Occupational Research Agenda.

OSHA and BLS both collect occupational injury and illness data from individual employers. While the majority of employers are unique to each agency's data collection, there is an overlap of approximately 3,000 employers in each year's data collection. The two agencies have developed a methodology to reduce the burden on employers included in both surveys. OSHA and BLS work cooperatively each year to identify the overlapping employers and send them one data collection form.

Similarly, the two agencies work cooperatively to identify the most effective data collection methodologies. OSHA has relied extensively on BLS data collection experience to develop its own data collection. For example, OSHA uses the BLS edit checks in its data collection software and contracts with the same State agencies to conduct the actual data collection.

ESA and OSHA are working together to make the safety and health of every Federal worker a central value in Federal workplaces and to ensure that, when injuries do occur, Federal employees are given the

best possible care and are returned to work as quickly as possible. The joint initiative includes numerical goals for Federal agencies to measure progress on the objectives of reducing workplace injuries and illnesses, reducing the average duration of time away from work due to work injuries, and speeding the return to work. ESA and OSHA are also addressing workplace safety for minors, and have developed a "Youth Rules" program aimed at industries that have a large number of young workers.

OSHA is coordinating efforts with ETA to assist the Laborers International Union in developing a biohazard training curriculum. ETA awarded a training grant to the Laborers to develop the training with OSHA's assistance. The Laborers' certified waste workers will use the curriculum to upgrade their skills. Later, the curriculum will be used by other organizations, including OSHA, to train workers in the safe removal of biochemical agents.

OSHA continues to work closely with a number of Federal agencies to protect workers who are exposed to potential biological and chemical hazards. OSHA's homeland security role involves providing safety and health preparedness assistance and guidance in concert with other Federal agencies. OSHA efforts with the U.S. Postal Service, the CDC, the FBI, EPA, and FEMA resulted in an informational matrix that provides guidance to employers about how to protect their workers against these types of exposures. OSHA is currently in discussion with other federal agencies, including FEMA, regarding various personal protective equipment issues, including certification of respiratory protection and training and fit testing requirements for respiratory protection for personnel who respond to acts of biological and chemical terrorism.

DOL and the U.S. Small Business Administration (SBA) have signed a Memorandum of Understanding to jointly disseminate ergonomics outreach materials to small businesses. In addition, the partnership will encourage a liaison to promote dissemination of information about OSHA small business programs. DOL will focus a significant part of its efforts on the millions of small businesses in various industries across the United States by using the assistance of other Federal government entities and their pre-existing lines of communications to small business. For example, the Director of OSHA's new Office of Small Business Assistance participates in the annual full Regulatory Enforcement Fairness Board meeting sponsored by SBA's Office of the National Ombudsman.

With SBA as lead, OSHA and several Federal and State agencies (EPA, IRS, DOE, DOT, State of Illinois Department of Revenue) are jointly developing a web portal that will enable small business owners to find, understand, and comply with regulations. The final product will be an on-line gateway to enable business to register or file with a government entity, obtain necessary permits or licenses, learn which laws and regulations apply to them and how to obtain compliance guidance for those regulations.

Several other Federal agencies have safety and health responsibilities which overlap those of OSHA, MSHA, and ESA, including the U.S. Coast Guard (for protection of workers in industries dealing with water safety), Environmental Protection Agency, Federal Aviation Administration, Federal Railroad Administration, Department of Energy, Nuclear Regulatory Commission, and the Bureau of Alcohol, Tobacco and Firearms. Through the use of memoranda of understanding and other interagency agreements, MSHA, OSHA, and ESA continue to work toward eliminating duplication and minimizing overlap of activities.

Outcome Goal 3.2—Foster Equal Opportunity Workplaces		
FY 2004 Performance Goals		
Total Funds for This Outcome Goal (in Millions)		
Fiscal Years	B idget Authority	Outlays
FY 2004	\$ 114	\$ 112
FY 2003	\$ 110	\$ 113
FY 2002	\$ 109	\$ 110
FY 2001	\$ 100	\$ 100
FY 2000	\$ 100	\$ 90
FY 1999	\$ 82	\$ 81
<p>A. Federal contractors achieve equal opportunity workplaces as indicated by:</p> <ol style="list-style-type: none"> 1. Reducing the incidence of discrimination among Federal contractors to 9 percent. 2. Increasing compliance among Federal contractors in all other respects of equal opportunity workplace standards to 61 percent. <p style="text-align: right;">\$82,999,000</p> <p>B. Increase the employment of persons with disabilities who participated in DOL financial assistance programs under the Workforce Investment Act. (WIA) as indicated by:</p> <ol style="list-style-type: none"> 1. Increase the number of Job Corps trainees with disabilities who successfully complete the Job Corps program by 1%. 2. Increase the percentage of persons with disabilities who are WIA registrants by 1%. 3. Increase the percentage of persons with disabilities who positively exit the WIA Title I program by 1% <p style="text-align: right;">\$6,158,000</p> <p>C. Reduce employer-employee employment issues originating from service members' military obligations conflicting with their civilian employment:</p> <ul style="list-style-type: none"> • Establish baseline of key problem areas for reduction in USERRA cases filed by veterans or service members. <p style="text-align: right;">\$11,655,000</p>		

Means and Strategies

Operating Agencies: ESA, OASAM, VETS

Sustained Efforts in FY 2004:

- DOL will continue to expand its compliance assistance plan efforts and continue its fair and balanced enforcement program with the tiered compliance evaluation strategy. For all contractors and subcontractors selected for compliance evaluations (including compliance checks, off-site review of records, focused reviews, full compliance evaluations, and complaint investigations), DOL will provide compliance assistance before, during, and after the particular evaluation event. (3.2A)
- DOL will continue to conduct compliance evaluations and complaint investigations under all ESA authorities, including Executive Order 11246, Section 503 of the Rehabilitation Act and 38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA). In this manner, DOL

will enhance its compliance evaluations for supply and service contractors and subcontractors, individuals with disabilities, and protected veterans. (3.2A)

- DOL will continue promotion of industry best practices in EEO and anti-discrimination programs by acknowledging employer efforts with the Secretary's Opportunity Award, the Exemplary Voluntary Efforts Award, the Exemplary Public Interest Contribution Award, and the Outstanding Partnership and Liaison Award. (3.2A)
- DOL will enhance customer service through interactive and personal public education and technical assistance training for stakeholder organizations. (3.2A)
- DOL will continue to disseminate model employer recruitment practices and will assist contractors in identifying resources for recruiting qualified individuals with disabilities, protected veterans, women, and minorities. Such resources may include, but not be limited to, the nationwide network of One-Stop Centers established by the Workforce Investment Act. (3.2A)
- The effectiveness of the various components of existing compliance assistance materials will be evaluated, and changes or modifications to compliance assistance materials will be made as required to increase effectiveness or to reflect special needs or issues for an industry. (3.2A)
- DOL will continue examining new methods for increased utilization of technology to enhance program quality, availability, and interaction with the Federal contractor community. (3.2A)
- Effectiveness of compliance assistance will be measured by comparing compliance evaluation outcomes between industry establishments that received compliance assistance and those that did not. (3.2A)
- DOL's compliance assistance to assure non-discrimination in financial assistance programs under the Workforce Investment Act has focused on two major cities — Miami and New York. In 2002, statistical data on the number of One-Stop Centers was collected, a compliance review timetable of One-Stop Center reviews developed, and One-Stop Accessibility review guide designed. In 2003, the DOL will conduct technical assistance reviews of a representative sample of One-Stop Centers in New York City and Miami, using the review guide to determine the extent of compliance with Federal laws and regulations on programmatic and physical accessibility for persons with disabilities. Where significant non-compliance is identified, compliance assistance training will be provided to the One-Stop Centers subsequent to the reviews. In 2004, follow-up compliance reviews will be conducted to determine whether barriers identified prior to the compliance assistance training have been addressed. As part of the technical assistance reviews, the Department will identify best practices and establish a repository that will be placed on DOL's website and shared with the DOL financially assisted State-level administered Workforce Investment Act (WIA) programs. (3.2B)
- During 2003, DOL will request that all States provide copies of complaint logs for the entire State. This data will be used to establish baseline data for a longitudinal study on the resolution of complaints to determine the utilization rate of Alternative Dispute Resolution (ADR) over the customary investigation process. (3.2B)
- Based on the analysis of the method of complaint resolution, in 2003, the Department will provide supplemental ADR training to the One-Stop Centers in the States of New York and Florida on the use of alternative dispute resolution. This compliance assistance is intended to increase skill level of staff

responsible for administering the complaint process, and increase the proportion of complaints resolved through ADR to a level greater than the 2002 baseline year. (3.2B)

- DOL will continue to conduct quality assurance reviews on a sampling of USERRA cases to determine if they are being processed in accordance with established goals. (3.2C)

Significant New or Enhanced Efforts in FY 2004:

- The results and recommendations of the FY 2003 external evaluation will be implemented to increase the effectiveness and success of DOL operations in ensuring in equal employment opportunity among Federal contractors and subcontractors. (3.2A)
- DOL will conduct follow-up technical assistance reviews where substantive non-compliance areas were identified and compliance assistance provided. (3.2B)
- As part of its technical assistance reviews, DOL will identify best practices and establish a repository that will be placed on its Civil Rights Center web-site and shared with the DOL financially-assisted State-level administered Workforce Investment Act programs. (3.2B)
- DOL's Civil Rights Center will continue to work with the Office of Disability Employment Programs to formulate a compliance assistance strategy and plan for joint execution. (3.2B)
- The results of the FY 2003 longitudinal study on the number and types of discrimination complaints filed nationwide will be used to define the Civil Rights Center's compliance assistance workplan. (3.2B)
- DOL will conduct post-training surveys of investigators enforcing USERRA who receive training at the National Veterans Training Institute to determine areas where training can be strengthened. (3.2C)